

MEMO TO: Planning Commission

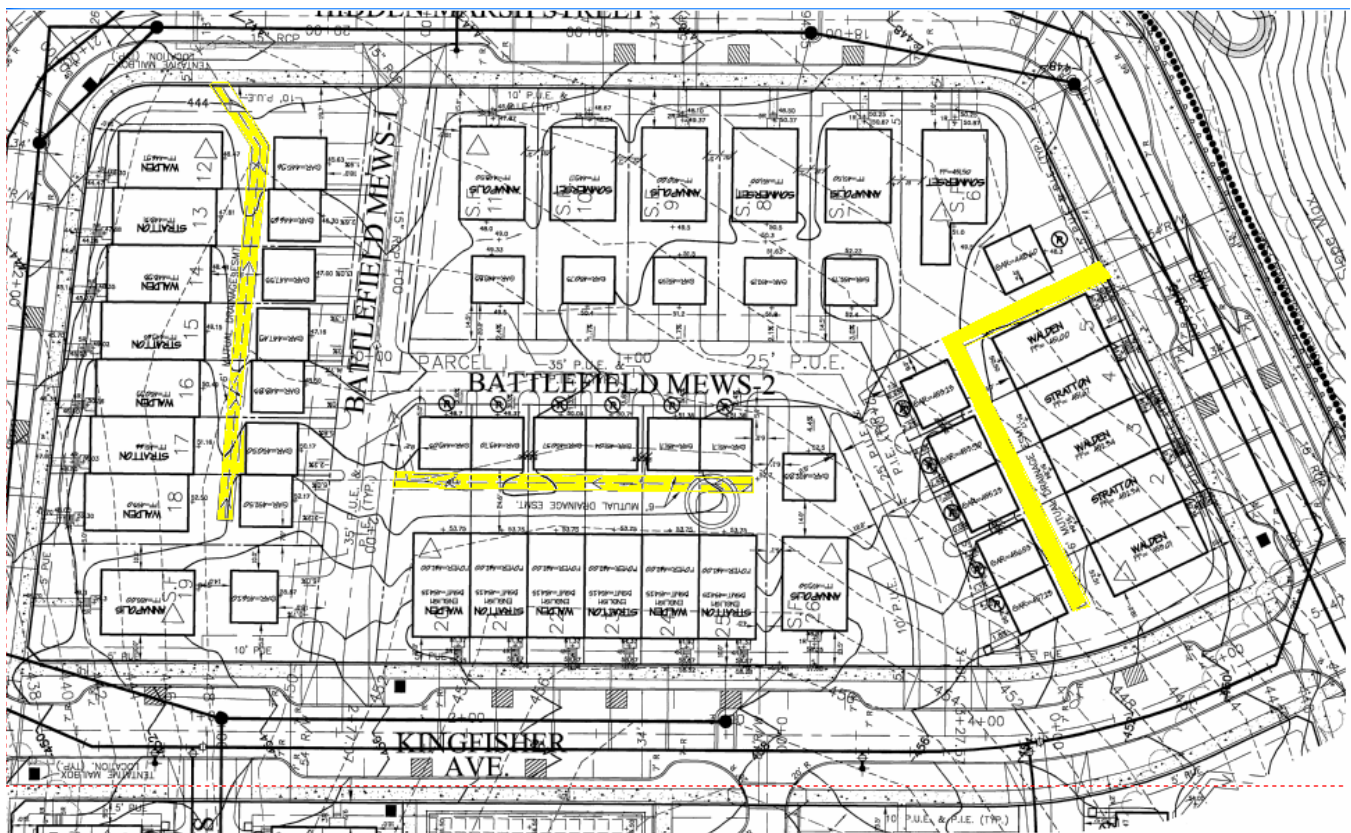
FROM: Trudy M. W. Schwarz, Community Planning Director
Planning and Code Administration

VIA: Jim Arnoult, Director of Department of Public Works, Park Maintenance and Engineering
Greg Ossont, Director of Planning and Code Administration
Lauren Pruss, Planning Director, Planning and Code Administration

DATE: July 5, 2007

SUBJECT: Hidden Creek Land Bay III, Mutual Drainage Easements Staff Policy

At the time of the approval of the Schematic Development Plan (SDP) and the Final Site Plans (SP) for Hidden Creek Land Bay III, the Department of Public Works, Park Maintenance and Engineering (DPWPM&E) and Planning and Code Administration (PC&A) staff raised concerns about drainage through the lots in SP-03-0009, where the garage is a separate structure from the unit. The applicant, Centex, responded to this concern by putting a six-foot drainage easement between the house and the garage on the site plan.

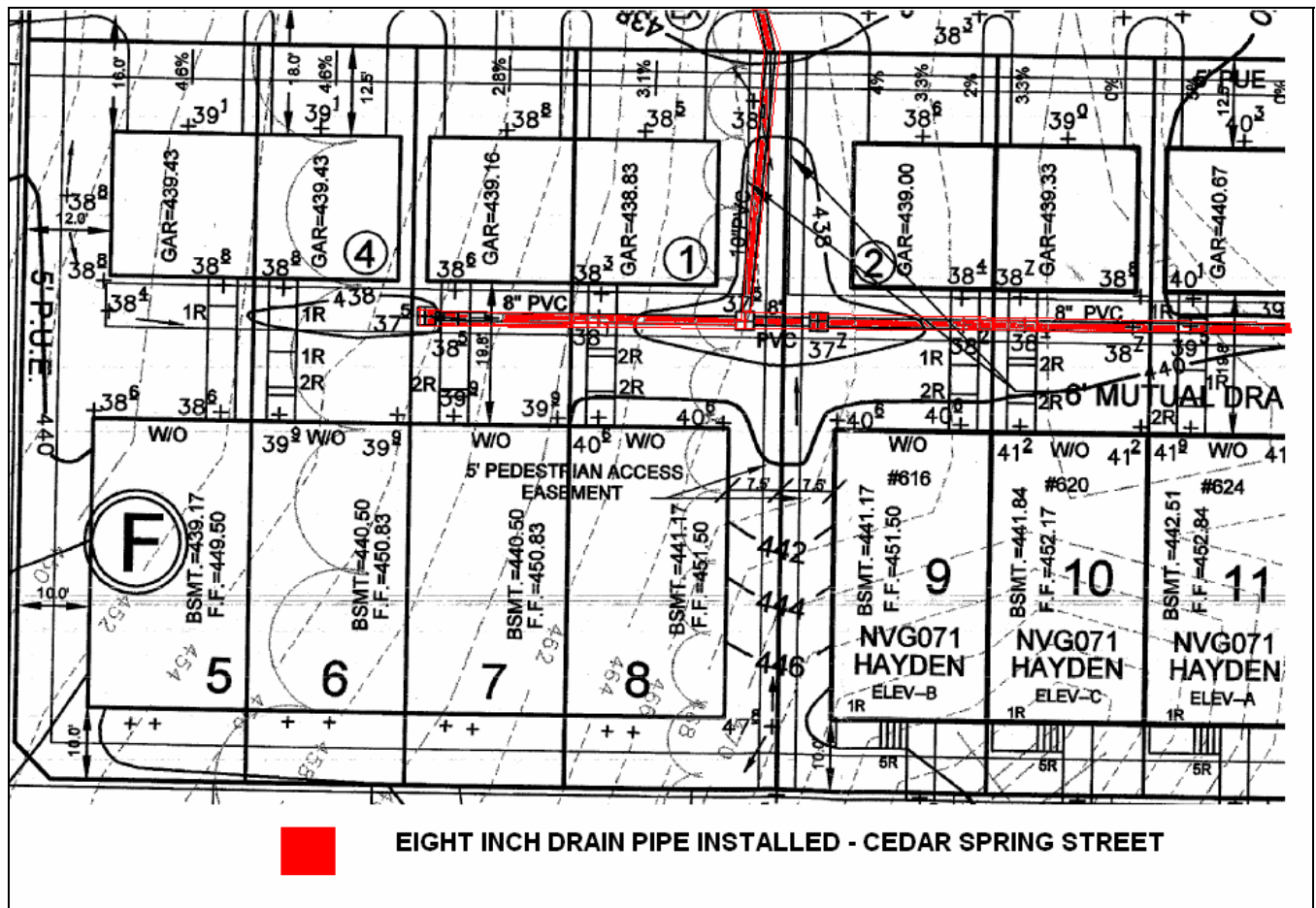


 **TYPICAL MUTUAL DRAINAGE EASEMENTS
HIDDEN CREEK LAND BAY III**

At the time of final subdivision (record) plat, a ten-foot wide drainage easement was established by the applicant. See attached Record Plat. The language on the plat states the following:

No structure of any nature whatsoever may be constructed within the ten (10) foot Mutual Drainage Easement shown hereon with the consent of the City of Gaithersburg Planning Commission and Department of Public Works. Decks connected to the primary structure may extend no more than three feet into the ten (10) foot Mutual Drainage Easement.

During construction of the lots, Centex was required to put in drain pipes in certain Mutual Drain Easements where the grading of the land did not allow proper surface drainage. The required drain pipes are installed as needed.



Staff has received a number of requests for decks and fences (three are pending) and would like the Planning Commission to allow staff to establish a policy to work with the homeowners. Staff from both departments met on site at Hidden Creek to establish the following recommended guidelines for the Mutual Drainage Easements:

1. Since they pose no blockage of water drainage, posts and footings for decks may be in the Mutual Drainage Easement (MDE), but may be no closer than one foot from an existing pipe if

there is one on the property. All Deck posts shall be located between the back of the house and the pipe, if one exists.

2. The top of the deck footing on lots with a drainage pipe and/or yard drain shall be lower than the bottom of the pipe and/or yard drain. See attached Diagram 1.
3. No ground level decks shall be allowed in the MDE.
4. No wall structures shall be allowed in the MDE.
5. The bottom of the fence, except for the posts, shall be four inches above the existing grade.
6. No other structures (such as sheds, covered breeze ways, etc.) shall be allowed in the MDE
7. All applicants and/or builders shall cooperate with P&CA Permits and Inspection personnel to field-locate the post in order to avoid conflict between the yard drains and pipes.
8. All ground level patios shall be designed to allow continued runoff of water and be approved by the DPWPM&E to ensure proper drainage prior to the installation of any materials or issuance of any permits.

Attachments:

Record Plat showing typical Mutual Drainage Easement

Diagram 1 showing footing lower then pipe

List of property addresses

tw

Final: S:Plancode/tschwarz/HiddenCreek/HC III Mutual Drainage Easements

EASEMENT LINE TABLE		
LINE	BEARING	LENGTH
MD1	N79°41'44"W	12.71
MD2	N56°25'28"E	43.54
MD3	N24°25'45"W	23.07
MD4	N32°48'08"W	80.85
MD5	N33°48'11"W	25.44
MD6	N01°48'03"W	145.97

We, the undersigned, owners of the property described herein, adopt this plan of subdivision, establish the minimum building restriction lines; grant to the City of Gaithersburg, Maryland, public storm drainage easements, as shown herein, if any, and dedicate the streets to public use.

Further, we grant to the Washington Suburban Sanitary Commission, (W.S.S.C.) such exclusive rights as necessary for the construction, reconstruction, operation, maintenance and repair of sanitary sewers and/or water mains and appurtenances within the water and/or sewer rights of way/easements shown hereon, if any, subject to and together with the conditions contained in a right of way document from the grantors their successors or assigns to the W.S.S.C. and to be recorded hereafter.

As owners of this subdivision, we, our successors and assigns will cause all property corner markers and any other required monuments, to be set by a registered Maryland Land Surveyor, in accordance with Chapter 20, Article II, Section 20-32 and Article VI, Section 20-50 of the Gaithersburg City Code.

Further, we grant to Potomac Electric Power Company, Verizon Maryland, Inc., and Washington Gas Light Co., and to each of them and their successors or assigns, a Public Utility Easement in, on, and over the land designated herein as "P.U.E.", if any, with the terms and provisions of said grant being those set forth in that certain document entitled "DECLARATION OF TERMS AND PROVISIONS OF PUBLIC UTILITY EASEMENTS" recorded in Liber 3834 at Folio 457 among the Land Records of Montgomery County, Maryland.

Further, we grant to the City of Goldthensburg, Maryland, slope easements to the front building restriction line, adjacent, contiguous and parallel to all public streets, slope easements shall be extinguished at such time as the public improvements on the abutting right of way have been completed and accepted for maintenance by the City of Goldthensburg, Maryland.

Further, we grant to the City of Goldensburg, Maryland, its successors, agents and assigns a Public Improvement Easement in, on and over the land designated herein as "P.I.E." if any, with the terms and provisions of said grant being those set forth in that certain document entitled "DECLARATION OF TERMS AND PROVISIONS OF PUBLIC IMPROVEMENT EASEMENTS", recorded among the aforesaid Land Records in Liber 16984 at Folio 830 which terms and provisions are hereby incorporated by this reference.

Further, we establish Ten (10) foot Mutual Drainage Easements for the conveyance of private drainage across Lots 1-6, 12-18 and 20-25, Block D as shown herein.

Further, we grant the Access Easements as shown hereon for the benefit of the H.O.A.

There are no suits or actions of law, leases, liens, mortgages or trusts affecting the property shown hereon except for a certain deed of trust and the parties in interest thereto have indicated their assent below.

7/19/04
Date

Robert K. Davis is managing partner
Robert K. Davis Division President

7-9-04 CHURCHILL DEVELOPMENT CORPORATION,
a Maryland corporation

William Woodruff E. R. Tovar, President

I hereby certify that the data shown hereon is correct: that it is a subdivision of part of the land conveyed as follows:

to Centex Homes, a Nevada General Partnership, from Hidden Creek I, LLC, a Maryland limited liability company, by a deed dated June 16, 2004 and recorded among the Land Records of Montgomery County, Maryland in Liber 27571 at Folio 289;

to Churchill Development Corporation, a Maryland corporation, from Hidden Creek I, LLC, a Maryland limited liability company, by a deed dated March 28, 2002 and recorded among the Land Records of Montgomery County, Maryland in Liber 21428 at Folio 195;

that once engaged as described in the owner's dedication herein, all property markers and boundary markers shown thus -●-, & concrete monuments shown thus -■-, will be set out delineated herein in accordance with Chapter 20, Article II, Section 20-32 and Article VIII, Section 20-62(a) of the Guiltsburgh City Code and that the total area included on this plat is 178750 square feet or 4.10232 acres of land, of which 45147 square feet or 1.03644 acres are devoted to public use.

Date: 7-19-04

TIMOTHY P. GUINN
PROFESSIONAL LAND SURVEYOR
MARYLAND REGISTRATION NO. 20009

CITY OF GAITHERSBURG PLANNING COMMISSION
MONTGOMERY COUNTY, MARYLAND

Approved: 21-JULY-2004

John H. Keller / 12.12
CHAIRMAN VICE-CHAIRMAN

AREA TABULATION:

34 LOT(S)	106170 SQ.FT. OR 2.41429 ACRES
2 PARCEL(S)	28363 SQ.FT. OR 0.65159 ACRES
DEDICATION	45147 SQ.FT. OR 1.03644 ACRES
TOTAL AREA	178700 SQ.FT. OR 4.10232 ACRES

DRAWN AEW
 COMPUTED AEW
 CHECKED RLB
 RECORDED _____
 PLAT NO. _____

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JOB NO. 640LS
ZONE MXD

R-1150

TYPICAL RECORD PLAT OF HIDDEN CREEK III

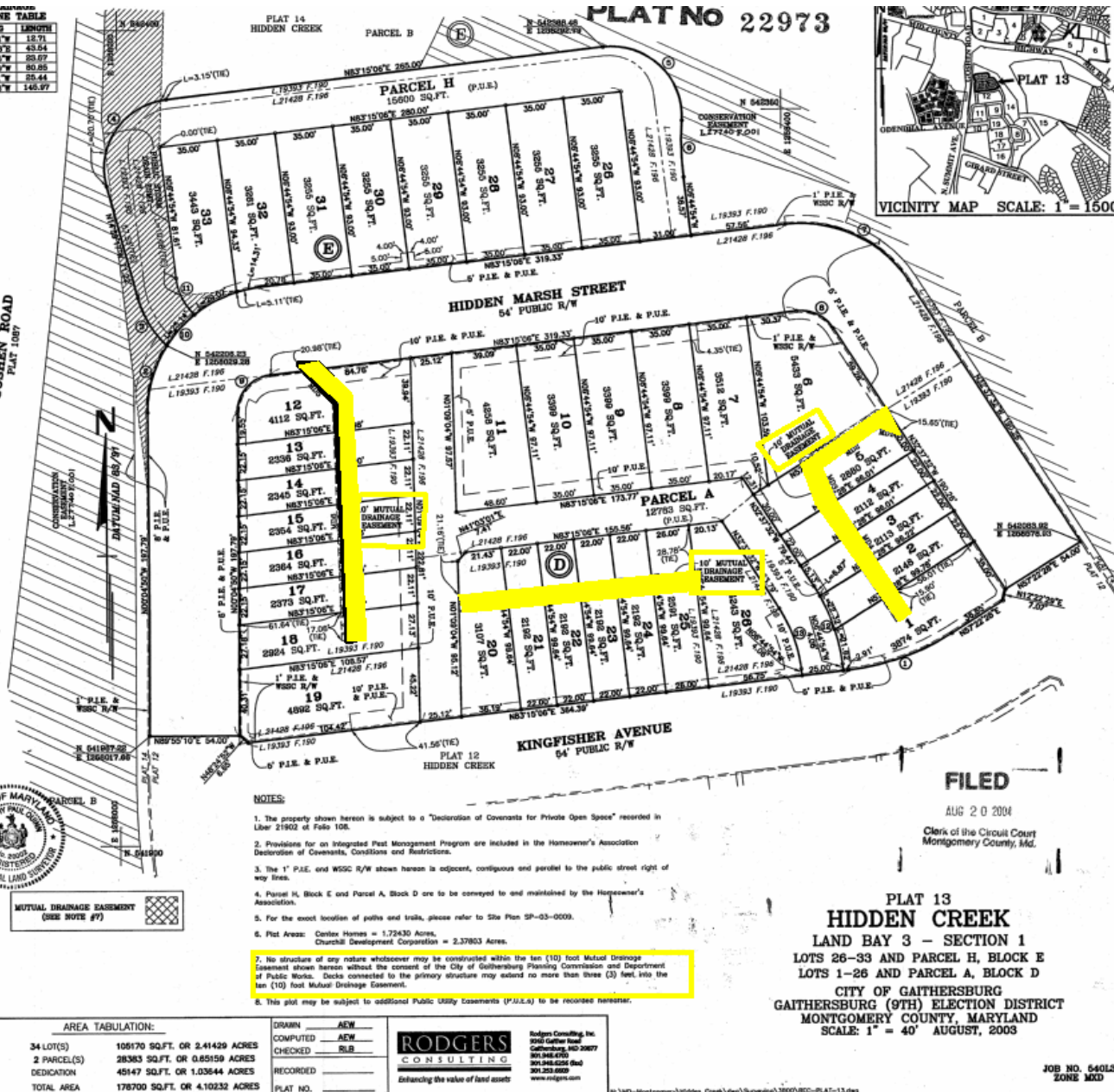
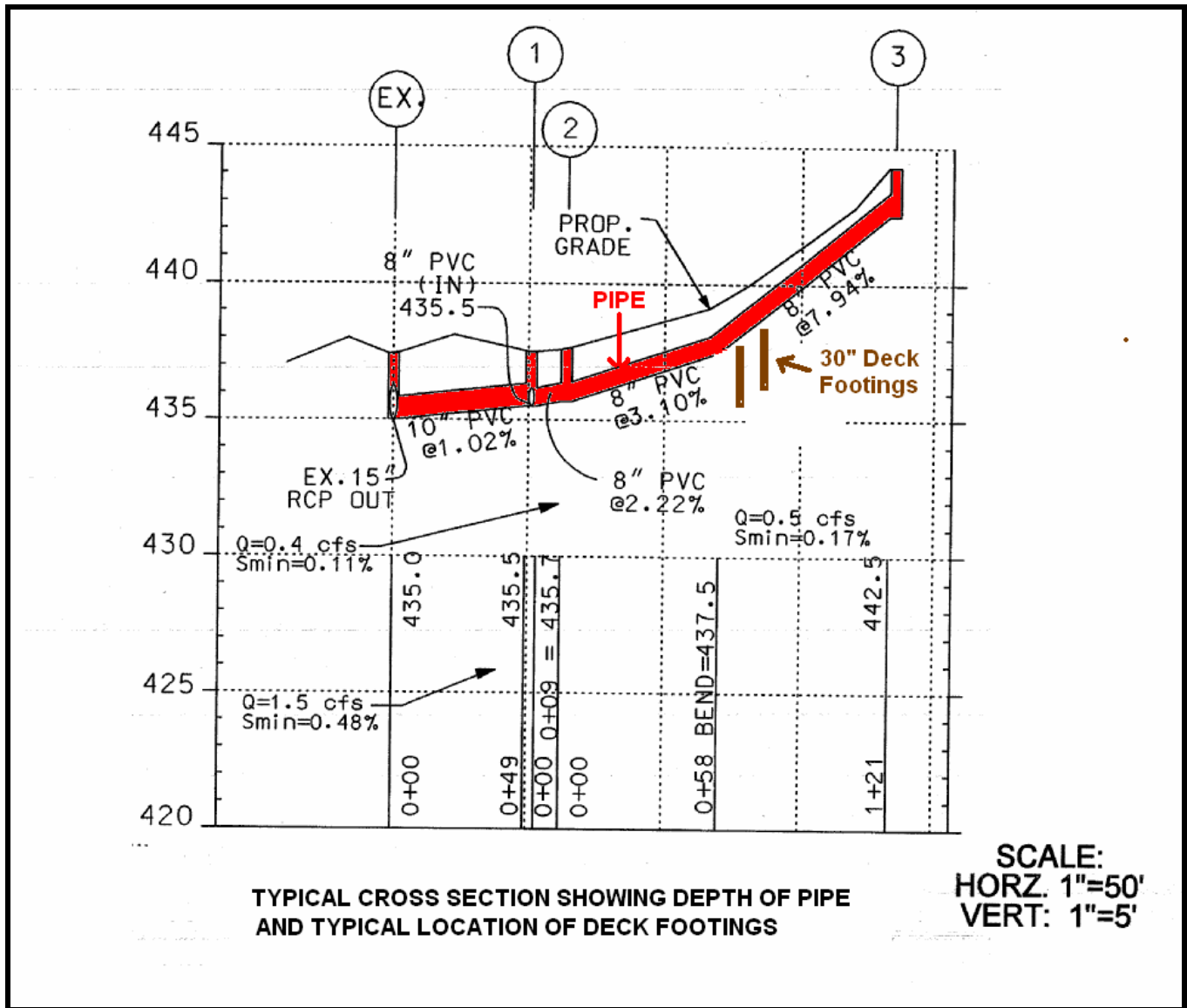


Diagram 1



Addresses with Mutual Drainage Easements in Hidden Creek Land Bay III (49 Properties)

801 - 829 (odd #s) Hidden Marsh Street
 861 - 897 (odd #s) Hidden Marsh Street
 905 - 917 (odd #s) Hidden Marsh Street
 600 - 624 (even #s) Kingfisher Avenue
 600 - 652 (even #s) Cedar Spring Street
 708 - 728 (even #s) Raven Avenue
 741 - 757 (odd #s) Raven Avenue